

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 7 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

BRUCE GILLEY,

Plaintiff-Appellant,

v.

TOVA STABIN, in her individual capacity;  
COMMUNICATION MANAGER OF THE  
UNIVERSITY OF OREGON'S DIVISION  
OF EQUITY AND INCLUSION, in his or  
her official capacity,

Defendants-Appellees.

No. 23-35097

D.C. No. 3:22-cv-01181-HZ  
District of Oregon,  
Portland

ORDER

The appeal filed February 3, 2023 is a preliminary injunction appeal.

Accordingly, Ninth Circuit Rule 3-3 shall apply.

The mediation questionnaire is due three days after the date of this order.

If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due no later than March 3, 2023; the answering brief is due March 31, 2023 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 21 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

No streamlined extensions of time will be approved. *See* 9th Cir. R. 31-2.2(a)(3). Any request for an extension of time to file a brief must be made by written motion under Ninth Circuit Rule 31-2.2(b).

Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Tina S. Price  
Deputy Clerk  
Ninth Circuit Rule 27-7